

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: GENERIC PHARMACEUTICALS
PRICING ANTITRUST LITIGATION**

**MDL 2724
16-MD-2724**

THIS DOCUMENT RELATES TO:

ALL ACTIONS

HON. CYNTHIA M. RUFÉ

ORDER

AND NOW, this 19th day of July 2022, upon consideration of the attached Joint Stipulation to Govern Disputes Relating to the Expiration of PTO 200's Limited Stay of Discovery, it is hereby **ORDERED** that the Stipulation is **APPROVED**.

It is so **ORDERED**.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFÉ, J.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: GENERIC PHARMACEUTICALS PRICING ANTITRUST LITIGATION	MDL 2724 16-MD-2724
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**JOINT STIPULATION TO GOVERN DISPUTES RELATING TO
THE EXPIRATION OF PTO 200’S LIMITED STAY OF DISCOVERY**

WHEREAS, on July 17, 2022, the limited stay of discovery governed by paragraphs 3 through 9 of Pretrial Order No. 200 (MDL Doc. 1820) expired;

WHEREAS, as described in recent filings, there remain disputes between Plaintiffs and the United States Department of Justice (“DOJ”) concerning whether certain aspects of the limited stay should continue beyond July 17, 2022;¹

WHEREAS, during the July 14, 2022 Leadership Status Conference, the Court directed Plaintiffs and the United States Department of Justice (“DOJ”) to make simultaneous submissions on July 22, 2022 concerning their respective positions on whether paragraphs 7 through 9 of PTO 200 should continue pending the resolution of DOJ’s forthcoming motion to continue those and other aspects of PTO 200 until the conclusion of the related criminal trials² (“DOJ’s Forthcoming Motion to Stay”);

¹ See Plaintiffs’ Statement Concerning the Expiration of the Limited State Pursuant to Pretrial Order No. 200 (MDL Doc. 2154); Intervenor United States of America’s Motion for Scheduling Order and Response to Plaintiffs’ July 1 Statement (MDL Doc. 2159) (“DOJs’ Scheduling Motion”).

² *United States v. Aprahamian*, No. 20-CR-00064 (E.D. Pa.); *United States v. Teva Pham. USA, Inc. and Glenmark Pharm. Inc., USA*, No. 20-CR-00200.

WHEREAS, during the July 14, 2022 Leadership Status Conference, the Court requested that the DOJ file its Forthcoming Motion to Stay by the end of July;

WHEREAS, pursuant to Local Rule 7.1(c), by July 19, 2022, Plaintiffs are required to respond to DOJ's Scheduling Motion, which concerns overlapping issues as will be covered in the July 22, 2022 submissions;

WHEREAS, on July 19, 2022, DOJ submitted to the Court a list of nine individuals ("Disputed Witnesses") for which DOJ intends to seek a Court Order via DOJ's Forthcoming Motion to Stay that would stay their depositions through the conclusion of the related criminal trials;

WHEREAS, following the July 14, 2022 Leadership Status Conference, Plaintiffs and the DOJ have agreed, subject to Court approval, on a process for resolving their disputes covered by DOJ's Scheduling Motion, the July 22, 2022 submissions, and DOJ's Forthcoming Motion to Stay;

THEREFORE, it is hereby STIPULATED AND AGREED by the undersigned counsel, pursuant to Local Rule 7.4, that:

1. On July 22, 2022, Plaintiffs and DOJ will make separate and simultaneous submissions of no more than fifteen (15) pages concerning whether the following provisions of PTO 200 should continue until the Court resolves DOJ's Forthcoming Motion to Stay:

- a. the last sentence of paragraph 7 of PTO 200 ("The proposed discovery shall be stayed pending resolution of the dispute."); and
- b. paragraphs 8 and 9 of PTO 200.

2. DOJ agrees to extend Plaintiffs' deadline to respond to DOJ's Scheduling Motion until July 22, 2022, provided that Plaintiffs' response to DOJ's Scheduling Motion is contained within Plaintiffs' submission on July 22, 2022, described in Paragraph 1 above.

3. Except for DOJ's request to continue the disputed provisions of paragraphs 7 through 9 of PTO 200 pending the resolution of DOJ's Forthcoming Motion to Stay, DOJ agrees, in light of the Court's guidance at the July 14, 2022 Leadership Status Conference, to withdraw all other aspects of DOJ's Scheduling Motion without prejudice.

4. Plaintiffs and DOJ agree that the July 22, 2022 simultaneous submissions will constitute the close of briefing on DOJ's Scheduling Motion.

5. Plaintiffs agree to abide by paragraphs 7 through 9 until the Court resolves the issue presented in Paragraph 1 above.

6. Concerning DOJ's Forthcoming Motion to Stay, Plaintiffs and DOJ have agreed on the following briefing schedule:

- a. No later than **July 29, 2022**, DOJ shall file its Motion;
- b. No later than **August 12, 2022**, Plaintiffs shall file their Response;
- c. No later than **August 19, 2022**, DOJ shall file its Reply; and
- d. No later than **August 26, 2022**, Plaintiffs shall file their Sur-reply

7. Consistent with paragraph 6 of PTO 200, Plaintiffs may schedule and notice depositions of the Disputed Witnesses. However, Plaintiffs shall not depose any Disputed Witness before the Court resolves the DOJ's Forthcoming Motion to Stay.

IT IS SO STIPULATED.

Dated: July 19, 2022

Respectfully submitted,

/s/ Roberta D. Liebenberg

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